

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

November 19, 2001

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Mallano, J. and S. Beaux and D. Nolan, Deputy Clerk.

Each of the following:

B142393 People v. Reid
B144002 People v. Jackson
B144273 People v. Morales
B146163 People v. Filippi
B147252 People v. Sanchez
B147466 Lopez v. W & H Systems
B147533 People v. Reyes
B147729 People v. Salazar
B148640 People v. Shepard
B149051 People v. Avila
B149114 People v. Fernandini
B149786 In re De La Cruz on Habeas Corpus
B150694 D.C.F.S. v. Annette S. et al.
B152768 Melissa F. v. S.C.L.A. (D.C.F.S., rpi)

Argument waived, cause submitted.

B140136 People
v.
Gunderman

Merits:

Argued by William L. Heyman for appellant and by Robert M. Snider, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B146835 Sylvester
 v.
 Public Employees' Retirement System

Merits:
Argued by Richard R. Sylvester, appellant in propria persona and by S. Paul Bruguera for respondent. Cause submitted.

B143220 People
 v.
 Carlton et al.

Merits:
Argued by Gerald V. Scotti for appellant Gomez and by Rama R. Maline, deputy attorney general, for respondent. No appearance for appellant Carlton and appellant Ramos waives oral argument. Cause submitted.

B145039 City of El Segundo, etc.
 v.
 Stardust West Apartment etc., et al.

Merits:
Argued by Cheryl J. Kane for appellant and by Laura Boudreau for respondents. Cause submitted.

B146391 The Alliance For Children's Rights
 v.
 LA County Department of Children & Family Services

Merits:
Argued by Jerry Custis, deputy county counsel, for appellant and by David S. Ettinger for respondent. Cause submitted.

Mallano, J. leaves the bench.

DIVISION ONE (Continued)

B140112 People
 v.
 Lau et al.

Merits:

Argued by Seymour I. Amster for appellants and by Richard Moskowitz, deputy attorney general, for respondent. Cause submitted.

Mallano, J. returns to the bench.

Ortega, J. leaves the bench.

B144654 Gutierrez
 v.
 Santex et al.
 National Union Fire Ins. Co.

Merits:

Argued by James P. Gardner and Steven Zwick for appellant Gutierrez, by Priscilla W. Lloyd for appellant National Union Fire Insurance and by Robert N. Tafoya for respondents. Cause submitted.

Ortega, J. returns to the bench.

Mallano, J. leaves the bench.

B140852 Ricketts
 v.
 The Farmers Group, Inc., et al.

Merits:

Argued by John H. Ernster for respondent and by Robert A. Olson for appellants. Cause submitted.

Ortega, J. leaves the bench.

DIVISION ONE (Continued)

Mallano, J. returns to the bench.

B146194 Homer
v.
Bally Total Fitness Corporation

Merits:

Argued by Pamela M. Homer, appellant in propria persona, and by Kristie Kawakami for respondent. Cause submitted.

Ortega, J. returns to the bench.

Spencer, P.J. leaves the bench.

B142060 Lo et al.
v.
County of Los Angeles et al.

Merits:

Argued by Ronald P. Kaplan for appellants, by Jennifer A. D. Lehman for respondents County of Los Angeles et al. and by Michael A. Hood for respondent State of California. Cause submitted.

Court adjourned.

DIVISION TWO

B143618 Ross (Not for Publication)
v.
Pacific Bell Directory

The judgment is reversed. Each party to bear their own costs.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

November 19, 2001-Continued

DIVISION TWO (Continued)

B142500 Bokor (Not for Publication)
v.
Southern California Regional Rail Authority/Metrolink et al.

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

B144504 People (Not for Publication)
v.
Singer

The judgment is affirmed.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

B139303 William C. Lam (Not for Publication)
v.
Virginia Shek

The judgment is affirmed. The parties may take up the issue of appellate attorney fees in the trial court.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

DIVISION TWO (Continued)

B150398 Los Angeles County D.C.F.S. (Not for Publication)
 v.
 Lester W.

The appeal is dismissed. Appellant to bear costs on appeal.

Boren, P.J.

We concur: Nott, J.
 Todd, J.

B137252 Nelson (Not for Publication)
 v.
 Nelson

The order under review is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B141997 People (Not for Publication)
 v.
 Bell

The judgment is affirmed.

Cooper, J.

We concur: Boren, P.J.
 Todd, J.

DIVISION TWO (Continued)

B147749 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Marlene R.

The orders appealed from are affirmed.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

B148012 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Terry J.

The order under review is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Cooper, J.

B148198 Dilillo (Not for Publication)
v.
Ustman Technologies, Inc., et al.

The order of dismissal is reversed, with directions to overrule the demurrers to the first cause of action (count I) of the amended complaint. Plaintiffs shall recover costs.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

B144978 People (Not for Publication)
v.
Jacobó

The judgment is affirmed.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B143693 Frazier (Not for Publication)
v.
City of Los Angeles

The judgment (order of dismissal) is reversed and the matter is remanded for further proceedings consistent with this decision. Each party is to bear its own costs on appeal.

Cooper, J.

We concur: Nott, Acting P.J.
 Todd, J.

B142231 Buyers Home Warranty Company (Not for Publication)
v.
General Agents Insurance Company of America

The judgment is affirmed. Appellant is to bear costs on appeal.

Cooper, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION THREE

B147240 People (Not for Publication)
v.
Luis Manuel Chavarin

The judgment is affirmed.

Klein, P.J.

I concur: Kitching, J.
I dissent: Aldrich, J. (Opinion)

B146875 People (Not for Publication)
v.
Kenneth Ray Chatman

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

B146673 Los Angeles County D.C.F.S. (Certified for Publication)
v.
Mario A.

The judgment is affirmed.

Klein, P.J.

We concur: Kitching, J.
 Aldrich, J.

DIVISION FOUR

B147492 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Steve L.

The order of the juvenile court terminating parental rights is reversed, and the matter is remanded to the juvenile court with directions to order the Department of Children and Family Services to provide all three Cherokee tribes and the Navajo Nation with proper notice of the proceedings under the Act, and to file proof of receipt of such notice by such tribes, along with a copy of the notice. The juvenile court shall then determine whether such notice and proof is proper under the Act and consistent with the views expressed in this opinion. If, after receiving such notice, no tribe indicates the minor is an Indian child within the meaning of the Act, the juvenile court shall then reinstate the order terminating parental rights. In all other respects, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

B144166 Sperline (Not for Publication)
v.
Sperlline

The orders under review are reversed. Appellant shall recover costs on appeal.

Vogel (C.S.), P.J.

We concur: Epstein, J.
 Curry, J.

DIVISION FOUR (Continued)

B133833 Verret (Not for Publication)
v.
City National Bank

The order appealed from is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

B151367 Cynthia Casillas (Not for Publication)
v.
Superior Court, Los Angeles County
(Mony Life Insurance Company of America et al., r.p.i.)

The petition is denied. The alternative writ is discharged as improvidently granted, and the temporary stay is dissolved. Real parties in interest are awarded their costs. This order is final upon filing.

Curry, J.

We concur: Epstein, Acting P.J.
Hastings, J.

B139305 Wetlands Action Network (Not for Publication)
v.
City of Los Angeles et al.

The judgment is affirmed. Respondent shall have its costs on appeal.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

DIVISION FOUR (Continued)

B146525 Willy Pierre Mathurin (Not for Publication)
v.
Dewey Services, Inc., et al.

The judgment is affirmed.

Curry, J.

We concur: Epstein, Acting P.J.
 Hastings, J.

DIVISION FIVE

B147163 William Bush (Not for Publication)
v.
GTrendwest Resorts, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Turner, P.J.

We concur: Grignon, J.
 Willhite, J. (Assigned)

B146237 Richard Annotico (Not for Publication)
v.
Marina City Club et al.

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur: Grignon, Acting P.J.
 Armstrong, J.

November 19, 2001-Continued

DIVISION FIVE (Continued)

B147956 People (Not for Publication)
v.
Frank Ramos

The judgment is affirmed.

Mosk, J.

We concur: Turner, P.J.
 Grignon, J.

B142859 Nicole Edelbrock (Not for Publication)
v.
R. Spencer Douglass III et al.

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Willhite, J. (Assigned)

B143047 People (Not for Publication)
v.
Richard Owens

The judgment is affirmed.

Willhite, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B152408 John T. (Not for Publication)

V.

The Superior Court of Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The Petition for extraordinary writ is denied. Pursuant to California Rules of Court, rule 24(d), this opinion is made final forthwith as to this court.

Mosk, J. (Assigned)

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B151490 People (Not for Publication)

V.

Broadway

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B150832 People (Not for Publication)

V.

Weathers

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION SIX (Continued)

B149817 People (Not for Publication)
v.
Enriquez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B142548 People (Not for Publication)
v.
Wright and Nice

The judgments are affirmed.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

November 19, 2001-Continued

DIVISION SIX (Continued)

[illegible]

The judgment (order) is affirmed. Costs to respondent.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

B144064 People (Not for Publication)
v.
Hudson

The judgment is affirmed in part and reversed in part. The trial court is directed to vacate the conviction of possession for sale of cocaine, to vacate the stay of sentence on the count for simple possession of cocaine, and to resentence Hudson upon remand. The court is also directed to consider Hudson's motion for correction of his presentence credits. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B152571 Chantel W. (Not for Publication)
v.
Superior Court of Ventura Co.
Ventura Co. Human Services Agency

Chantel's petition is denied.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

November 19, 2001-Continued

DIVISION SIX (Continued)

B146804 Bullock (Not for Publication)
v.
Holloway

The order awarding fees is affirmed. Costs to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

[illegible]

The judgment is affirmed. Costs are awarded to respondent

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B146471 Exxon Mobil Corp.
v.
County of Santa Barbara et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SEVEN

B140489 Henry
v.
City of Santa Fe Springs

Filed order denying petition for rehearing.

DIVISION SEVEN (Continued)

B142893 Lucas
 v.
 Volpe

Filed order denying petition for rehearing.

B148236 People
 v.
 Hendrick

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)